

REMARKS

The present Amendment cancels claim 1 and adds new claims 2 and 3.

Therefore, the present application has pending claims 2 and 3.

In paragraph 2 of the Office Action the Examiner objected to the April 13, 2004 Information Disclosure Statement as allegedly failing to comply with 37 CFR §1.98(a)(2). Particularly, the Examiner states that the April 13, 2004 Information Disclosure Statement did not provide a copy each of the references cited therein. This objection by the Examiner is traversed being that Applicants are not require to provides copies of references cited by an Information Disclosure Statement when the Information Disclosure Statement is filed to cite references submitted during the prosecution of an earlier application to which the present application claims benefit of priority under 35 USC §120. The Examiner's attention is directed to 37 CFR §1.98(d) which specifically states:

"a copy of any patent, publication, pending U.S. application or other information...listed in an Information Disclosure Statement is required to be provided unless...the earlier application is properly identified in the Information Disclosure Statement and is relied upon for an earlier effective filing date under 35 USC §120".

The April 13, 2004 Information Disclosure Statement properly indicated that it was being filed in accordance with 37 CFR §1.98(d) and it properly identified the earlier filed applications, namely application Serial No. 10/054,862, filed January 25, 2002, now U.S. Patent No. 6,731,291, application Serial No. 09/482,642, filed January 13, 2000, now U.S. Patent No. 6,356,269, application Serial No.

08/956,113, filed October 24, 1997, now U.S. Patent No. 6,084,599, and application Serial No. 08/498,055, filed July 5, 1995, now U.S. Patent No. 5,748,202. An indication that the references cited in the April 13, 2004 Information Disclosure Statement have been considered is respectfully requested.

In paragraph 3 of the Office Action the Examiner indicates that Fig. 16 should be designated by a legend "Prior Art". Filed on even date herewith are Proposed Drawing Corrections/Replacement Sheet adding the legend "Prior Art" to Fig. 16. Therefore, this objection is overcome and should be withdrawn.

Claim 1 stands rejected under 35 USC §101 as claiming the same invention as that of claim 1 of prior U.S. Patent No. 6,731,291. As indicated above, claim 1 was canceled. Therefore, this rejection is rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

As indicated above, the present Amendment adds new claims 2 and 3. New Claims 2 and 3 are directed to features not taught or suggested by the claims of the prior patents.

In view of the foregoing amendments and remarks, applicants submit that claims 2 and 3 are in condition for allowance. Accordingly, early allowance of the present application based on claims 2 and 3 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.,
Deposit Account No. 50-1417 (503.33829CX4).

Respectfully submitted,

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